S.B. CRIMINAL REVISION PETITION NO.751/2006.
Murli Gujar
Vs.
State
Date of Order:- 17/8/2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Sudarshan Laddha for the petitioner.
Mr. Arun Sharma P.P. for the State.

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This revision petition under Section 397 read with Section 401 Cr.P.C. is directed agaisnt the judgment & order dated 28/6/2006 passed by the learned Sessions Judge, Jaipur District, Jaipur in Cr.Appeal No.28/2006 wherby the appeal filed against the judgment & order dated 1/2/2006 passed by the learned Additional Civil Judge (Jr.Division) and Judicial Magistrate, First Class No.3, Jaipur District, Jaipur has been dismissed and the conviction of the accused-petitioner for offence 354 IPC and sentence of 4 months simple imprisonment and fine of Rs.600/- and in default of payment thereof to further undergo imprisonment for 15 days simple imprisonment has been upheld.

The accused-petitioner was tried on the charge that at about 8.00 a.m. on 13/6/2004 when prosecutrix Saroj Devi was travelling in Bus No.RJ-14-P-2236, he outraged her modesty. The trial court after reording the statements of Ramulal Meena PW-1, Ravindra Singh PW-2, Smt.Saroj Devi PW-3, Ravi Shankar, PW-4 and Jagdish PW-5 and after hearing the parties recorded a finding of guilt against the petitioner which finding was upheld in appeal filed by him and the appeal was dismissed as indicated above.

Learned counsel for the petitioner has contended that there is no specific overt act ascribed to the petitioner and he has already

undergone about 2 months of sentence out of the sentence imposed upon him. So, he may be acquitted of the charge or atleast his sentence may be reduced to the period already undergone or this being his first offence, he may be released on probation.

Learned Public Prosecutor has opposed the above contention.

I have carefully considered the respective contentions and have also perused the judgment of the trial court as well as of the appellate court and have also perused the relevant record.

It may be stated at the outset that the scope of revision is limited and this Court cannot embark upon a detailed discussion and appreciation of the evidence over again in exercise of its powers of revision. But, on a cursory examination of the evidence on record and taking into consideration the contention of the learned counsel for the petitioner, I do not find any valid and cogent ground to interfere in the concurrent findings of guilt recorded by the learned courts below. The revision petition being absolutely without merit and substance deserves to be dismissed.

So far as the quantum of sentence is concerned, the learned trial court was rather too lenient in imposing the sentence and no further leniency seems to be called for and justified in the facts and circumstances of the case and looking to the nature of offences found proved against the petitioner.

In the result, this revision petition is hereby dismissed.

(HARBANS LAL), J.

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